

**MINUTES of the  
PUBLIC WORKS COMMITTEE**

Meeting held: Wednesday, October 2, 2019  
Leewood City Hall- Main Conference Room, 7:30 AM

**COMMITTEE MEMBERS PRESENT:**

Andrew Osman, Chair, Councilmember Ward 1  
Julie Cain, Vice Chair, Councilmember Ward 4  
Ken Conrad  
Abbas Haideri  
Todd Harris  
Marsha Monica  
Jim Rawlings, Councilmember Ward 2  
Chris White

**ABSENT:**

Lori Ames  
Chuck Sipple, Councilmember Ward 3

**STAFF PRESENT:**

David Ley, P.E., Director of Public Works  
Brian Scovill, P.E., City Engineer  
Julie Stasi, Public Works Admin. Services Manager, Sr.

**Vice Chair Cain called the meeting to order at 7:35 AM.**

Vice Chair Cain advised that Chair Osman would be arriving later this morning and was on his way. Introductions were made of Committee and Staff. Member Todd Harris presented a Thank You note from his son Paulo Harris that had attended last month's meeting (see attached).

**FIRST ITEM OF BUSINESS (OLD BUSINESS): Review/approve the previous meeting Minutes.**

**ACTION:** Marsha Monica- Motioned to approve the Minutes of the Public Works Meeting held September 4, 2019. Ken Conrad-Seconded the motion to approve the Minutes. All present members were in favor. Motion passed. Minutes Approved.

**SECOND ITEM OF BUSINESS (OLD BUSINESS): CONTINUED Review of Request from Public Works regarding the Design Consultant Selection Process for the 2022 Mission Road (133<sup>rd</sup> to 143<sup>rd</sup>) Project.**

**TO RECAP**, at last meeting **ACTION from September 4, 2019**, was to recommend to send Request for Qualifications (RFQ) to the six consultants listed in Staff's report (Burns & McDonnell, HDR, HNTB, Olsson & Associates, TREKK Design Group, Walter P. Moore) and advise the consultants their submittals will be evaluated on the general six criteria headings of: Project Understanding, Project Approach, Similar Experience, Key Personnel & Availability, Project Schedule, and Customer Service (withholding any kind of point structure).

Staff returned today with a revised draft of the Design Engineering Selection Score Sheet as requested by the Committee using the Committee's input on point distribution. Each area has been assigned the same amount of points now and they did provide a little bit more information on what staff is looking for. Opened up for discussion now for your comments.

Discussion.

Marsha Monica-at first was confused but sees specific dates on the score sheet.

Julie Cain-Good, because it is difficult as a committee member sometimes to review these.

Dave Ley-We would update the six items for each project. As we come into review of proposals the score sheet will be specific to the project with appropriate dates.

Jim Rawlings-Asked for an example, if we were to modify the verbiage in one of the categories. Just out of curiosity.

David Ley-For this one if you look at project schedules, we listed out the actual years where we need to have certain items completed. On this project, quite a bit of it will be working with the schools. There are schools on either end of Mission Road, so there will be coordination with that and there are undeveloped tracts of land. We will need to make sure whoever is selected is aware that if one of those tracts comes in for development that there

will be a lot of working back and forth because of the development.

Julie Cain-Questions she is getting a lot because of Mission Road and the delays, is there any kind of, should we or do we have anything built into the contracts that ding them for delays? Months of delays? These are big projects going forward. Do we have anything like that in place and should we if we don't?

David Ley-We do have that in place. Regarding Mission Road (119<sup>th</sup> to 127<sup>th</sup>) what we ended up doing and it was my decision, was to try to consolidate all the relocations and phase it around the utilities. Typically what we would do is get out there the year before and spend 9 months relocating all the utilities. And then we would bid the project and start construction. So you would have construction over two years. We were trying to get that done in one year. So we were held up quite a bit, not by the contractor who has been ready to go this whole time, but by KCP&L.

Julie Cain-So what would have taken two years will likely take one and a quarter now on Mission. But that is still a great answer for people who are complaining to us. I also think being down to one lane is a part of that problem.

David Ley-Right. We would have had their yards torn up, then restored. Then torn up again. Probably down to one lane could have been shorter.

Brian Scovill-Off and on. As opposed to one lane and then reopened for a couple months and then another sections closed and opened. This gets it all done at once, in theory. But it didn't quite work out.

Julie Cain-But at this point we cannot ding our contractor, that is not their issue.

Brian Scovill-An example of where we have worked together is on Lee Boulevard, 95<sup>th</sup> to 103<sup>rd</sup>. We got with Water One and have coordinated their project of relocating their main. They wanted to shut the road down. We did not want them to have the road closed for three months and then reopen it only to have us shut the road down for three months. So we worked with them to put the water work in our contract and then have one contractor manage all of the work. That worked out real well. However KCP&L will not put any of their work in our contract because it is too specific to how they do their business and many times they have their own crews out there.

David Ley-So for the score sheet, all categories now have 10 points assigned. A minor edit to No. 5 Project Schedule wording was edited. Other than that, all Committee Members were in favor of the Score Card version presented today. The score card will be customized to each project for design engineering selections using anticipated schedule time frames. We meet with each firm and go through the issues.

Brian Scovill-We do not give them this list of questions. Generally when we meet with them we say you need to describe your project and understanding, the project approach, similar experience. We do give them guidelines and tell them, do not list a project where you were just the sub-consultant on a small project. We want them to list relevant experience so that it is a quality proposal.

Andrew Osman arrives.

**Vice-Chair Cain, do we need a Motion? Not needed, so NO FURTHER ACTION.**

**THIRD ITEM OF BUSINESS (NEW BUSINESS):**

**Chair Osman: Moving on to New Business, Review Fees for the 135<sup>th</sup> Street Corridor Impact and the South Leewood Transportation Fee.**

David Ley-Explained that these fees came into effect back in 1988. Up until this year, and the prior years all this information was going to the Planning Commission. We changed it last year and instead of taking it through Planning Commission approval, (because we are collecting funds for transportation type improvements) the Governing Body changed it from coming down from the Planning Commission to coming to Public Works to review the funding.

The 135<sup>th</sup> Street Impact Fee, that is for any developments along 135<sup>th</sup> Street between 133<sup>rd</sup> and 137<sup>th</sup> Street. It is based upon square footage and there is a formula. So when a development gets approved, when they come into pull a building permit at that time, Planning will do the calculation to figure out how much they owe and they pay that amount prior to getting their building permit. That fee goes to the Finance Department. What we are supposed to do every year is look at the prior year, how much is collected, what the balance is and then what improvements have been completed.

Marsha Monica-So this is not new. This is a review of the existing Ordinance.

Dave Ley-Correct. A review of how much we have collected, how much was spent and then future projects that we see that Public Works would be recommending to be completed. On 135<sup>th</sup> Street, the Element Hotel located in the Cornerstone Development paid \$141,727.95 (135<sup>th</sup> & Nall). That was the only thing we collected from last year. David shows the group a format that we used to take to the Planning Commission and also displays a map with orange colored tracts of undeveloped areas where we have not collected fees from. We still have a significant amount of the corridor yet to collect from. When they come in for building permits, we will be collecting payments.

Chair Osman-A couple of reasons why we are looking at this. We review this every year at City Council level. We review fees from anything including swimming pool passes, dog tags fees, sometimes they are \$10.00 and we move it up to \$12.00. We are starting to have a number of applicants who come before us along 135<sup>th</sup> Street. Also we have a number of different properties that are either in the bank/foreclosure process or within a family that have it tied up and the property is now back on the market.

David Ley-On commercial properties we do not collect the fees until the building permit is pulled. On residential, they actually pay when they relist the Plat.

Chair Osman-Also we have 135<sup>th</sup> & Mission on the NW corner and the SE corner, 20 and 14 acres respectively. Developers are looking at that currently. Also an area near Kenneth Road. And some projects in Cornerstone. EDC is looking at trying to get businesses to Leewood and I think we are very close but the issue is what are our fees?

David Ley-It is up to the City Administrator and the Council of course, in a review of the fees. I think we would want to hold off if we want to have more discussions maybe. The plan is to bring this back to Public Works in February, as we are little bit late this year bringing this to you. We will bring this back early next year to show the collections total for 2019.

Marsha Monica-Are the funds collected enough to do the improvements and things that need to be done?

David Ley-These are for just transportation improvements that could be spent in the area of 133<sup>rd</sup> to 137<sup>th</sup>. What we currently have and what we have spent money on a few years ago, we redid all the street lighting along 135<sup>th</sup>. Converting the lights to LED in order to be more efficient and have better light distribution. What we are proposing to spend some of the funds on in 2021 would be a fiber project. Running fiber to Nall and State Line to interlink all the signals and add cameras and readers for the Police Dept. Not building the street, but when these come in part of their approval part of the requirement for example when the one on Mission comes in part of their requirement would be to add a third lane on 135<sup>th</sup> Street and then do any additional work. So if there is a collector street, you could see where they would be responsible to construct that roadway entering into their development.

Chair Osman-When we come up with pricing for items (copies, animal tags, everything down the line) the intent is not to collect 100% (correct me if I'm wrong) from the applicant or the person applying for a permit, it is to offset some of those costs that the City has to try to recoup some of it, not all of the expense. If you look at the Element Hotel, \$141,000 is definitely not getting all the street lights up and down 135<sup>th</sup> Street converted to LED.

David Ley-We did that a couple years ago. From the monies we had collected in the past; that is what we used those funds for. The other thing is, when we do collect the money, after five (5) years, at the developer's request, it can be returned to them. So we do have to spend these on an on-going basis. So the reason we bring the project here is if there are issues with transportation then typically a resident will bring a concern to staff and it is moved forward to the Public Works Committee, so you would hear about it. That is why we are thinking those funds would be used for, the fiber project in one we would want to use it for in 2021. And we are actually receiving 80% funding from the Federal Government, so it will only cost us 20%. So with an entire project at about \$700,000, it is only costing the City about \$140,000. This is just disclosure for you. This used to go to the Planning Commission for review. In 2018, it was changed to the Public Works Committee as the fees are more for public improvements needed and it was felt this group would know and be more aware of things needed. This is more of a Public Works issue than a Planning issue. The language was revised on what group reviewed the fees. The fees have not been revised since 1988.

Abbas Haideri-That was my question when was the last time the fees were changed, 1988? Do we account for inflation and just bump them up accordingly or does that have a negative impact on Developers looking at Leawood?

David Ley-That is something the Governing Body will need to decide. Just for example I looked at what RS Means historical index, as a rough idea, the \$141,000 paid by the Element Hotel, would have been about \$350,000 instead. It would have more than doubled. Or 2 ½ times. The fee that they paid last year was \$141,000 but the fee was based on 1988 costs. So if we looked at trying to update from 1988 to 2018, the inflation or the construction cost index it would have changed what they paid from \$141,000 they would have been required to pay us \$350,000.

Abbas Haideri-On a personal level I would think we would want to increase it but I do not know what the impact would be. Just because of the cost of doing things that is there for anything.

Todd Harris-I think it is good to have an annual review so that we are not trying to make a profit here, it is not a profit center, but what is the plan, what is needed? To guide what the rate is. Maybe there is not a reason to jump it based on inflation because there is already curbing, surface, etc. So your example of what you are targeting is part of having a review, to make sure we are supporting over the next year or two what is necessary. I think this is a good idea, but I do not think you want to bake in an inflation rate. It should be managed to account for what is needed. To your point, you do not want to set the fee so high that it discourages applications.

Marsha Monica-And this is just one of the fees they would have to pay.

Chris White-To Todd's point, it sounds like you all have looked at the projects we have going out to 2021 at the least and that we currently have enough revenue to do that project in 2021. There will be additional fees collected and if the intent is merely to mitigate those costs, clearly we are in a good position and the idea should be to make Leawood a competitive area and not try to squeeze our businesses for whatever we can get out of them. I mean that is one of the challenges I think of State Line. You've got properties right across the street that are from a business standpoint, cheaper. And so those businesses along State Line struggle. So I agree with Todd, the idea should not be to just arbitrarily inflate it but to look at future costs and see if we are covering them.

Ken Conrad-You say 1988. You say that is the last time, does this document need any more review? Of what does it do, how does it do it? Have developers come back and asked for their money back? Do other municipalities do this? What is their rate?

David Ley-We have not had that happen yet. But they have the ability, yes. They have different impact fees. I do not know if they have a specific one like this. Other cities do have corridor type impact fees.

Chair Osman-I can tell you with some of the properties in Missouri that are close to a highway. When I build something I pay for a drive-thru fee, because it was a restaurant and I needed to pay a drive-thru fee which was exorbitant, a highway fee for the turn lane, a landscaping fee, and other fees. And there are other municipalities that say we are not going to do any of that. Certain cities say they cannot finance this without the developer, so they have all these fees associated.

Ken Conrad-That's my point, does this really need a bigger look?

David Ley-Well the developers are required to construct that third lane, so that does help mitigate quite a bit of the traffic. There are some areas that may need dual left turn lanes on 135<sup>th</sup> that were not constructed initially. We do get some on 133<sup>rd</sup> Street, it is kind of a small project but would still be several hundred thousand dollars. The trails on the north side of 133<sup>rd</sup> and then stops at High Drive. Then you have to cross the street to the south side of 133<sup>rd</sup> so on the north side of 133<sup>rd</sup>, there is no sidewalk along this half a mile of roadway, so we do get residents in Greenbrier Subdivision upset because they can't get to the sidewalk to the trail systems without crossing 133<sup>rd</sup> Street. So I could see on this I believe this funding could be used to make those improvements.

Chris White-And yes the residents now request a lot of things that they didn't ask for back in 1988.

Abbas Haideri-Yes and maybe look at other cities and see if they have raised their fees. How do we fall in the spectrum, are we way down here and we have the opportunity to raise it. But maybe we are good.

Marsha Monica-I do not think we should be raising it just to raise it. If there is a need then yes.

Chair Osman-Also if we have a budget or five year plan, such as fiber. If there is anything else we are going to see either something come before us in the next five years. Because this will be the huge cycle for people coming in now on 135<sup>th</sup>. If we have a plan or budget we can say these are the things we have in our Master Plan of what we need, then that way we can look at it and see what we need to fund it.

Todd Harris-So the biggest concern is with from the perspective of a sense of urgency. If 50% of that land then were permitted for development what would the corridor then need or what would it look like? By the way I'm shocked that there is that much land still there. When I am out at 135<sup>th</sup> it seems like it is busier. I can only imagine if all of that was developed how busy it would be.

Ken Conrad-Maybe we need a park.

Todd Harris-My point is that we need to look at if it is going to happen maybe quicker, Andrew is suggesting you are seeing some interest in an area, we need to know what all is needed. Looking farther than a year or two, looking five years out. Do we need the double turn lanes?

Andrew Osman-This whole area is what I would say virgin ground but you've had just a few property owners that have owned it for such a long period of time that now they have put it on the market, or now the bank owns it and they need to unload it. So last year to five years from now is when we are going to see applicants come before us because everything else was pushed to the west in Overland Park in Corbin Park, or to the east at State Line Center on the Missouri side. We have been bypassed because of many different factors.

Julie Cain-We've got an opportunity to increase this fee, one that has been the same for several years, it may not be that we want to increase it 100% but we have talked about a lot of things we want to do along this corridor. Maybe this is a chance to do that. We talked about special light poles and monuments and other items.

David Ley-We would have to keep this transportation related. Definitely traffic signals and street lights, maybe something custom for the corridor.[stop 00:26]

Ken Conrad-So on one hand we are talking about being skipped over between Overland Park and Missouri however I'm feeling like we may come up with a recommendation that we need to raise this by 50% it's counter-intuitive. I still go back and wonder what are other people doing? It's a 1988 document and the concept of what we are trying to do still appropriate?

Chris White-I've never agreed with Ken so much as I do today. (Laughter) I understand what Julie is saying but the meaning of this impact statement is just about over as it stands right now. So rather than raise anything, Ken is right. Really what you want to do is reevaluate it. Because everything is going to be developed in five years or whatever. So then you are looking at a different scenario. You will be looking for a different structure, different purposes for these fees, so the idea as you really should go back to kind of to reface and see what is going around. Again we basically have everywhere Leawood was developed along 135<sup>th</sup>, I would ask why. There is a reason there. We know the reasons and there is a lot of reasons but why would you double your impact fee? You're not drawing more business. That is not going to develop that area.

Chair Osman-There's many different reasons why Leawood was skipped. Several. I think we should look at a holistic approach on the entirety and look at every city and potentially come back.

Ken Conrad-If we were to collect all of the money on some assumption that is somewhat reasonable, what would we see come in?

David Ley-That's challenging because we have a corridor plan that is mixed use along here and the corridor is very high density, but what we are seeing come in are more just these twin villas as what people are willing to build.

Chair Osman-Or single story retail. So that is not high density.

Ken Conrad-So private development strategies have changed from the 1990's when mixed use was like the best thing. Wouldn't you consider downtown Overland Park, what they have done there, mixed use? Along Metcalf?

David Ley-Yes.

Ken Conrad-So it is not totally dead. Is it still what we want?

Chair Osman-It's a combination of the City, the City Council, Planning and the Developer and then what the market trends are.

Abbas Haideri-I'm wondering when we compare ourselves to others. We are basing these on square footage or construction costs. But are you even looking at property value? Because Leawood property values may be much higher than some of the neighboring cities. So the profits that the Developers have had obviously they are putting in a little more with their standard, but they are making more too.

Chris White-But you're looking at from; what do they have that we can take? Verses what do we need to pay for? According to Ordinance, if we charge them more than we need to pay for things, they can come back and ask for that back.

Abbas Haideri-I was leading to that and back to the second question is, when they ask for money back is it 100% or is it part of it? And would we want to? Even if you look at interest we are not going to make that much in holding \$100,000 for five years.

David Ley-They have never asked. It would be the City Administrator who would decide. We can bring this back for next year to review what was collected in 2109 and what we are planning on spending. The City Engineer and I can work on it to provide a five year plan of what we see needs to be done for transportation, what's missing out there now and get an estimated cost. And if you want to we can toss other things in there like new traffic signals, more from an architectural style traffic signals and things like that. We can provide that information with some estimated cost so we can at least have an idea if that is something you want to go forward on and proceed on with. That would come into play, as traffic signals can be \$600,000 per intersection if you want to do something like that, at least. We have another quarter mile and that will impact how much we would need to collect.

Marsha Monica-asked about the calculation. If she had a building out there now and decides to double her building or add a floor or two, this does not affect me, correct?

David Ley-Whenever they pull a building permit, if they are adding square footage then they have to pay. To remodel, no. But for Additions, yes. It is on square footage. Reading it says any "New" development. So just a question if it needs to be more-clear. NEW development of existing or NEW development coming in.

David Ley-Said he could speak with the Legal Department on the wording.

Todd Harris-Looked at the Ordinance and thinks the City has a good Ordinance in this. There is a lot of flexibility. It even has it like an on-demand. Say there was a rush on the properties and we needed to keep pace with what needs to be done. It does not have to be changed by the Governing Body, but in an annual review or time when appropriate. It also discusses in the Ordinance the things that can be taken into consideration as part of the settlement fees. Thinks the Ordinance is really good and protects the City from rapid growth. You also can request an exception. There is a lot of flexibility in how to approach the fee. Likes how it is written.

**ACTION:** Chris White- Motioned to approve the current report and recommend a review of the structure of the fees and comparative costs of surrounding areas on basis discussed.

Marsha Monica- seconded the motion. All members present were in favor. Motion Passes.

Staff plans to come back early next year to review again (the 2019 activity of collections, needs and proposed projects).

**FOURTH ITEM OF BUSINESS (NEW BUSINESS): Review the South Leawood Transportation Impact Fee.** David Ley-This fee is charged to all developments south of 137<sup>th</sup> Street. A map is displayed of the remaining tracts. This is on new plats of the remaining tracts. This fee was also developed in 1988, and is to help pay for the arterial improvements necessary and so they are required to pay by acreage multiplied by \$625 per acre and then Planning will measure from whatever, where they exit onto an arterial roadway, they would measure all the way to an improved east/west arterial up to 135<sup>th</sup> Street.

For example Hills of Leawood, they were approved last year and are under construction. Their impact fee, they exit onto 151<sup>st</sup> Street. The distance is from that point over to Mission, up Mission to 135<sup>th</sup> Street. So they had to pay for about 2 ½ miles. This fee is pretty close to being completed because this portion of Hills of Leawood, has already been approved and is under construction right now. Now there is just the west 1/3<sup>rd</sup> of it at this time remaining.

David Ley-Also 151<sup>st</sup> & Mission a little piece there, that is undeveloped so that would also be remaining to be collected. No impact fees were collected in 2018. The fund balance was \$280,000 and we did spend about \$180,000 for left turn lanes on 151<sup>st</sup> Street at Mission, so those were constructed earlier this year. This can go towards arterial projects and it can also go towards the widening. If we have funds remaining.

Julie Cain-We also talked about the entrance to Ironwoods Park and also options of widening Mission Road and the median and then what to do with the median.

David Ley-Whenever it is changed. This is applied when the land is platted. The developer also has to pay a street fee, so there are other fees they have to pay as well.

**ACTION:** Marsha Monica- Motioned in review of the South Leawood Transportation Impact Fee (since the area

is almost built up) to have this fee remain the same as currently charged.

Abbas Haideri-Seconded the motion. All members present were in favor. Motion passes.

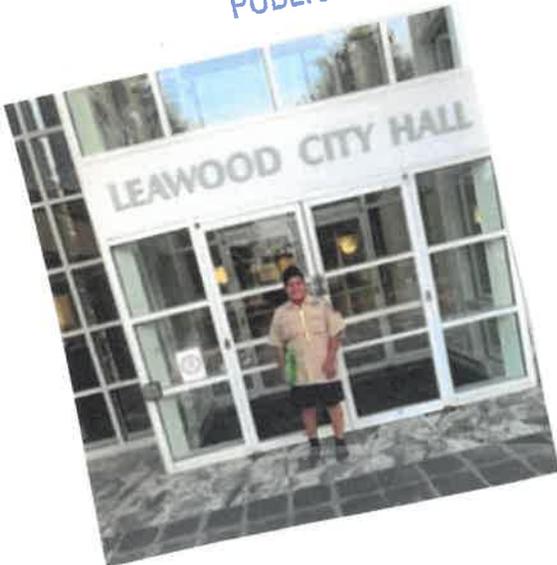
**Chair Osman**-Before we adjourn, Chair Osman asked the committee to make note; something to think about: We have recently approved in the past year the burying of power lines and transferring over to LED lights. Recently we finished the project at 95<sup>th</sup> Street to 92<sup>nd</sup> on Mission Road. He wanted the members to drive by at night, specifically when it's around 7PM to 8PM, as there is a dramatic difference (in my opinion) on not having the power lines there. And area right in front of Cure- of Ars Church verses right down the street. The brightness of the lights in that area verses a block away on Mission Road with the older lights. We will see this come before us in the next couple of years as we continue to bury power lines and update LED fixtures. It is a great example of what is now verses what we are going to be doing and looking at that and seeing the dramatic difference. I love it. It looks so much better.

**Chair Osman** adjourned the meeting at 8:33 A.M.

Minutes transcribed by: Julie Stasi, Administrative Services Manager, Sr.  
attachment (1)

Thank  
you

RECEIVED  
OCT 02 2019  
PUBLIC WORKS



Leawood Public Works  
Committee, Thank you  
for letting me attend  
last month's meeting.

From,  
Paula O